

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Rodney D. Zeune,

Plaintiff,

v.

Case No. 2:15-cv-3064

Beth A. Mickley,

Defendant.

ORDER

This is an action brought by Rodney D. Zeune against his ex-wife, Beth A. Mickley, asserting state-law claims. In a report and recommendation filed on November 15, 2017, the magistrate judge noted that plaintiff's claims arise from the decree of divorce entered on October 23, 2006, in the Common pleas Court of Knox County, Ohio, Division of Domestic Agreement, and later proceedings relating to the parties' separation agreement held in that court in October, 2008. The magistrate judge concluded that plaintiff's claims fall within the domestic-relations exception to federal jurisdiction, see Marshall v. Marshall, 547 U.S. 293, 299 (2006) and Ankenbrandt v. Richards, 504 U.S. 689, 704 (1992), and that plaintiff's claims disputing the state court judgments were barred by the Rooker-Feldman doctrine, see Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923) and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476 (1983). The magistrate judge recommended that this action be dismissed pursuant to Fed. R. Civ. P. 12(h)(3) for lack of subject matter jurisdiction.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days "will result in a waiver of the right to have the

district Judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 18, p. 6. The time period for filing objections to the report and recommendation has expired, and no objections have been received.

The court agrees with the magistrate judge's analysis. The court hereby adopts the report and recommendation (Doc. 18). Pursuant to Rule 12(h)(3), this action is dismissed sua sponte for lack of subject matter jurisdiction.

Date: December 1, 2017

s/James L. Graham
James L. Graham